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 (Canada) Inc., Avison Young (USA) Inc.,
 Avison Young–Nevada LLC, Mark Rose,
 Joseph Kupiec, The Nevada Commercial
 Group LLC, and John Pinjuv*

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E
 ACQUISITION COMPANY LLC, and
 BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.,
 AVISON YOUNG (USA) INC., AVISON
 YOUNG–NEVADA LLC, MARK ROSE,
 THE NEVADA COMMERCIAL GROUP,
 JOHN PINJUV, and JOSEPH KUPIEC; DOES
 1 through 5; and ROE BUSINESS ENTITIES
 6 through 10,

Defendants.

Case No. 2:15–cv–00531–RFB–EJY

**STIPULATION AND ORDER
 REGARDING HEARING ON
 DEFENDANTS’ MOTION FOR
 SANCTIONS PURSUANT TO FED. R.
 CIV. P. 30(d)(2) AND 37(d) (ECF No.
 502) AND PLAINTIFFS’ MOTION
 FOR SANCTIONS UNDER FEDERAL
 RULES OF CIVIL PROCEDURE
 30(d)(2) AND 37(d) (ECF No. 509)**

1 In accordance with the Court's January 10, 2022, order (ECF No. 555), Plaintiffs
2 Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate of Nevada
3 (together, "Plaintiffs"), through their counsel of record, and Defendants Avison Young (Canada)
4 Inc., Avison Young (USA) Inc., Avison Young–Nevada LLC, Mark Rose, Joseph Kupiec, John
5 Pinjuv, and The Nevada Commercial Group (together, "Defendants"), through their counsel of
6 record, hereby stipulate to, and request the entry of, an order setting a hearing date of February
7 16, 2022, on *Defendants' Motion for Sanctions Pursuant to Fed. R. Civ. P. 30(d)(2) and 37(d)*
8 *(ECF No. 502)* ("Defendants' Motion") and *Plaintiffs' Motion for Sanctions Under Federal Rules*
9 *of Civil Procedure 30(d)(2) and 37(d) (ECF No. 509)* ("Plaintiffs' Motion"), as set forth below.

12 STIPULATION

- 13 1. On September 29, 2021, Defendants' filed Defendants' Motion, which has been
14 fully briefed.
- 15 2. On October 6, 2021, Plaintiffs filed Plaintiffs' Motion, which has been fully
16 briefed.
- 17 3. At the January 10, 2022, hearing in this matter, the Court provided three potential
18 hearing dates for Defendants' Motion and Plaintiffs' Motion: February 11, 16, and 18, 2022.
- 19 4. Having conferred and agreed, the parties respectfully request that the Court
20 schedule the hearing on Defendants' Motion and Plaintiffs' Motion for February 16, 2022.

1 Dated: January 13, 2022

2 **Respectfully submitted by:**

3 NIXON PEABODY LLP

STEPTOE & JOHNSON LLP

4 By: /s/ Tina B. Solis

By: /s/ Nathaniel J. Kritzer

5 Todd L. Bice, Esq., Bar No. 4534

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17 *G&E Acquisition Company LLC, and BGC*

(Canada) Inc., Avison Young (USA) Inc.,

18 *RealEstate of Nevada LLC*

Avison Young–Nevada LLC, Mark Rose,

Joseph Kupiec, The Nevada Commercial

Group LLC, and John Pinjuv

ORDER

Having reviewed the foregoing stipulation and found it to be supported by good cause, IT IS HEREBY ORDERED that the hearing on (1) Defendants' Motion for Sanctions Pursuant to Fed. R. Civ. P. 30(d)(2) and 37(d) (ECF No. 502) and (2) Plaintiffs' Motion for Sanctions Under Federal Rules of Civil Procedure 30(d)(2) and 37(d) (ECF No. 509) shall occur on **February 16, 2022, at 10:30am Pacific Daylight Time** via zoom conference. The parties shall contact Elvia Garcia, Courtroom Deputy for the undersigned Magistrate Judge, no later than **noon, Pacific Daylight Time, on Friday, February 11, 2022** at Elvia_Garcia@nvd.uscourts.gov to provide email addresses at which parties shall receive Zoom invites.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that persons granted with remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary to the Court.

A handwritten signature in blue ink, reading "Dayna J. Zouchak", is written over a horizontal line.

Magistrate Judge

DATED: January 13, 2022

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 13, 2022, I caused a true and correct copy of the foregoing **Stipulation and Order Regarding Defendants' Motion for Sanctions Pursuant to Fed. R. Civ. P. 30(d)(2) and 37(d) (ECF No. 502) and Plaintiffs' Motion for Sanctions Under Federal Rules of Civil Procedure 30(d)(2) and 37(d) (ECF No. 509)** to be filed electronically with the clerk of court using the court's CM/ECF system, which will send a notification of electronic filing to the counsel of record who have entered an appearance in this case, including:

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/s/ Tina B. Solis
*One of the Attorneys for Plaintiffs Newmark Group
Inc., G&E Acquisition Company LLC,
and BGC Real Estate of Nevada LLC*